

Guardianship and Conservatorship Program Regulations

505 GRIEVANCE REVIEW PROCESS

505.1 GRIEVANTS

1. Filing of Grievance.

- A. Any person or entity, including the Board, may file a grievance, as defined in section 501.4.16 against a certified professional guardian and conservator.
- B. Consent to Disclosure. By filing a grievance, the grievant consents to disclosure of his or her identity, the nature of the allegations of the grievance to the respondent CPGC or to any other person contacted during the investigation.

2. Grievant Rights. A grievant has the following rights:

- A. To be advised promptly of the receipt of the grievance, and of the name, address, and office phone number of the person assigned to communicate with respect to the status of the grievance, and its investigation if such an assignment is made;
- B. To have a reasonable opportunity to speak with the person assigned to communicate with respect to the grievance, by telephone or in person, about the substance of the grievance or its status;
- C. To submit additional supplemental written information or documentation at any time. If a grievance has been referred to the superior court, AOC staff shall forward copies of such additional information and documentation received to the superior court.
- D. To attend any hearing conducted into the grievance;
- E. To provide testimony at any hearing conducted into the grievance, if such testimony is determined by AOC to be appropriate and relevant to the proceeding;

- F. To be advised of the disposition of the grievance; and
- G. If the grievance is dismissed and the grievant disagrees with the result, be advised that the grievant may file a new grievance.

3. Grievant Duties. A grievant has the duty to do the following:

- A. At the time of filing the grievance or when requested, give the person assigned to the grievance documents or other evidence in his or her possession, and witnesses' names and addresses;
- B. Assist in securing relevant evidence, which may include signing releases of information; and
- C. Appear and testify at any hearing resulting from the grievance when such testimony is requested by AOC, through disciplinary counsel.

If the grievant fails to do any of the duties above, a grievance may be dismissed.

505.2 BOARD'S INITIAL REVIEW OF GRIEVANCE FOR COMPLETENESS; REFERRAL OF GRIEVANCE TO SUPERIOR COURT

1. The Board shall complete an initial review of grievances received as follows:

A. The Standards of Practice or subcommittee shall review the grievance for completeness within thirty (30) days of receipt. If the Committee or subcommittee determines that the grievance is complete, it shall refer the grievance to the Board for the Board's determination with respect to completeness

B. A grievance is considered complete if it: i) provides sufficient details of alleged conduct to demonstrate that a violation of statute, regulation, standard of practice, or rule, relating to the conduct of a certified professional guardian or conservator, could have occurred, ii) provides the dates the alleged conduct occurred, and iii) is signed and dated by the person filing the grievance. A grievance is considered signed pursuant to the definition of "sign" in RCW 11.130.010 (34)

C. If the Board determines that a grievance is complete, the Board shall refer the grievance to the superior court and provide notice to the CPGC within ten (10) days. If the grievance involves a closed case and the Superior Court no longer has jurisdiction, the Board shall proceed to handle the grievance as outlined in Section 506.2.

D. Additional Allegations. If, subsequent to the filing of a grievance, information is received by the Board or the AOC that constitutes additional allegations to those contained in the original grievance filed, the additional allegations shall be treated as a new grievance. The additional allegations shall be subject to the same process as any new grievance pursuant to this Section 505.2, beginning with an initial review for completeness under 505.2.1 A.

505.3 PRIVILEGES

1. Privilege Against Self-Incrimination. A CPGC's duty to cooperate is subject to the CPGC's privilege against self-incrimination, where applicable.
2. Confidential Information. A CPGC may not assert confidentiality under the Standards of Practice or other prohibitions on revealing client confidences or secrets as a basis for refusing to provide information during the course of an investigation, but information obtained during an investigation involving client confidences or secrets must be kept confidential to the extent possible under these rules unless the client otherwise consents.